

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT****Date: December 3, 2015****APPLICANT NAME**

Southern Building Structures, Inc.

SUBDIVISION NAME

Addition to Regal Investments Subdivision

LOCATION3500 & 3520 Government Boulevard
(North side of West I-65 Service Road South, 510'± East of
Lakeside Drive).**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONINGB-3, Community Business District, and I-1, Light Industry
District**PROPOSED ZONING**

I-1, Light Industry District

AREA OF PROPERTY

2 Lots / 5.4 ± Acres

CONTEMPLATED USESubdivision approval to create 2 lots, and Zoning approval
to rezone the site from B-3, Community Business, to I-1,
Light Industry, to eliminate split zoning.**It should be noted, however, that any use permitted in
the proposed district would be allowed at this location if
the zoning is changed. Furthermore, the Planning
Commission may consider zoning classifications other
than that sought by the applicant for this property.****REASON FOR
REZONING**Increased need for industrial sites in addition to sites that
are available.**TIME SCHEDULE
FOR DEVELOPMENT**

Not specified

**ENGINEERING
COMMENTS****Subdivision:** The following comments should be addressed
prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer:

- A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors.

- B. Add/revise street names to the vicinity map to be legible.
- C. Show and label all flood zones.
- D. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation.
- E. Provide and label the monument set or found at each subdivision corner.
- F. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- G. Provide the Surveyor's Certificate and Signature.
- H. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- I. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control; the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
- J. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit.
- K. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.
- L. Provide a copy of the FINAL PLAT to the Engineering Dept. for review prior to obtaining any signatures.
- M. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

Rezoning:

- 1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
- 2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
- 3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control; the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
- 4. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.

5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

TRAFFIC ENGINEERING

COMMENTS

Government Boulevard (and this adjacent Service Road) is an ALDOT maintained roadway. Lot is limited to no more than one curb-cut, with size, location and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance. Sidewalk should be included along all street frontages, unless a sidewalk waiver is approved by the Planning Commission.

URBAN FORESTRY

COMMENTS

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).

FIRE DEPARTMENT

COMMENTS

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code).

MAWSS COMMENTS

No comments.

REMARKS

The applicant is requesting Subdivision approval to create 2 lots, and Zoning approval to rezone a proposed lot from a B-3, Community Business District to a I-1, Light Industry District to eliminate split zoning.

Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set forth in the Subdivision Regulations for lot size, road frontage, lot configuration, etc.

The preliminary plat illustrates the proposed 2-lot, 5.4 ± acre subdivision located on the North side of West I-65 Service Road South, 510'± East of Lakeside Drive, in Council District 4. The applicant states that the site is served by public water and sewer services.

The site is composed of two existing legal lots: Lot 1 of Harris Business Park, Resubdivision of Lot 2, Phase One, approved by the Planning Commission and recorded in 1998; and Lot 1 of the Regal Investments, LLC Subdivision, approved by the Planning Commission in 2007 and recorded in 2008.

At its May 17, 2006 meeting, the Planning Commission approved applications for a 2-Lot Subdivision and Planned Unit Development to allow multiple buildings on a single building site, and the rezoning of the site from B-3, Community Business District, to I-1, Light Industry

District. A subsequent Planned Unit Development request, approved by the Planning Commission in 2008, has since expired, and the site was not developed.

The purpose of this application is to remove the interior lot line between Lot 1 of Regal Investments, LLC Subdivision, and Harris Business Park Resubdivision of Lot 1, Phase One, and subdivide them into Lot A and Lot B of Addition to Regal Investments Subdivision, both legal lots. Also, rezoning Lot A from B-3, Community Business, to I-1, Light Industry, to eliminate split zoning resulting from the proposed subdivision, and to utilize aggregate surfacing for expanded storage of the site's existing use, which is allowed, by right, in I-1, Light Industry Districts.

Proposed Lot A is irregularly shaped and may be regarded as a "flag" lot with a "pole" providing frontage onto Government Boulevard 99.46'± in width; its length is 316.42'± in the West and 556.84'± in the East. Proposed Lot B is also a "flag" lot with a "pole" providing frontage onto Government Boulevard that is 71.99'± wide and 556.84'± long; the width of the remaining "pole," it should be noted, is 50' wide. Flag lots are generally discouraged by Section V.D.1. of the Subdivision Regulations; however, they are permitted only in those locations where varied and irregularly-shaped lot designs are common and the informality of design is consistent with other lots in the vicinity. There do not appear to be many flag lots in the area, but the Planning Commission's previous approval of the Regal Investments, LLC Subdivision in 2007, of which Lot 1 was a flag lot, sets a precedent for the approval of this subdivision, thus making the waiver of Section V.D.1. of the Subdivision Regulations appropriate; however, a note should be required on the Final Plat stating that further re-subdivision of Lot B will not be allowed until additional public street frontage is provided.

The proposed lot sizes are provided in square feet and acres; however the width of the "pole" of the proposed "flag" lot A is large enough to be potentially re-subdivided and, in accordance with the Subdivision Regulations, is not exclusive of unusable land, thus contributing to a maximum depth more than 3.5 times the width of the lot at the potential building setback line; a waiver of Section V.D.3. will be required for approval. Irrespective of the width to depth ratio, the proposed lots exceed the minimum size requirements and, as is mentioned, are appropriately labeled along with the 25' minimum building setback line. This information should be retained on the Final Plat, if approved.

The site has frontage on Government Boulevard to the South, an ALDOT maintained roadway, and a major street requiring a 250' right-of-way. The preliminary plat illustrates a sufficient right-of-way width; therefore, no dedication should be required.

As a means of access management, a note should be placed on the Final Plat stating that the lots A and B are limited to one shared curb cut to Government Boulevard, with its size, design and location to be approved by Traffic Engineering and ALDOT, and conform to AASHTO standards.

Any additional site improvements of the proposed lots are subject to the acquisition of the appropriate land disturbance and building permits, and should comply with all applicable codes and ordinances.

Regarding the zoning application, Section 64-9. of the Zoning Ordinance states that the intent of the Ordinance and corresponding Zoning Map is to carry out the comprehensive planning objective of sound, stable and desirable development. While changes to the Ordinance are anticipated as the city grows, the established public policy is to amend the ordinance only when one or more of the following conditions prevail: 1) there is a manifest error in the Ordinance; 2) changing conditions in a particular area make a change in the Ordinance necessary and desirable; 3) there is a need to increase the number of sites available to business or industry; or 4) the subdivision of land into building sites makes reclassification of the land necessary and desirable.

The site appears to be depicted as commercial on the General Land Use Component of the Comprehensive Plan, which is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. The accuracy of recommended land uses on the General Land Use Component map is limited due to the large scale of the map. Moreover, the General Land Use Component allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification.

The applicant mentions:

Southern Building Structures owns the property located at 3520 Government Boulevard and wants to purchase 2.0 acres adjoining their property on the North. The current zoning of 3520 Government Boulevard is B-3 and the adjoining property to be purchased is zoned I-1.

Southern Building Structures sells portable storage buildings, gazebos, steel frame buildings, garages, carports, patio covers, and screen rooms; therefore, they need an outdoor display area for the many styles and models they offer. In addition to the display area, they need a storage area for additional buildings of their popular models. I-1 zoning is desirable because it allows for the use of an aggregate surface in the storage area.

This property adjoins B-3 zoning along the North, West, and South property lines. Across Government Boulevard is B-3 zoning and along the East property line is Montlimar Creek drainage canal which is 240' wide. Rezoning 3520 Government Boulevard to I-1 should not have an adverse effect on adjoining properties or the surrounding neighborhood.

This rezoning request meets item 3 in paragraph 8 of the zoning application. We are requesting a small expansion of the I-1 district to bring both properties into compliance with the existing use.

The site plan illustrates an existing 1,200 s.f. office building, thus requiring four parking spaces, one of which must meet the requirements for van accessible parking; while the four spaces meet the requirements regarding surfacing, and stall length and width, no van accessible space is

provided. If approved, a revised site plan illustrating at least one van accessible space, whose stall length is at least 18' long, and whose stall width is at least 9' with an 8' wide access aisle, will be required.

An existing 590.49± s.f. garage is also illustrated.

No new building construction is proposed at this time; as such, in considering the site appears to have been developed in its current footprint since at least 2002, full compliance with landscaping is traditionally not required, with the exception that additional site improvements would require full compliance with Section 64-4.E.3. of the Zoning Ordinance. However, it should be noted that it appears the site is no longer in compliance with the original tree and landscape plan as numerous trees are missing; as such, full compliance with Section 64-4.E.3. of the Zoning Ordinance is required.

The site will require the construction of a sidewalk along all street frontages unless a Sidewalk Waiver is approved by the Planning Commission.

A photometric plan is not required due to the limited scope of the project, however any new site lighting is to comply with Section 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance.

A dumpster is not depicted on the site plan and one is not discernible in recent aerial photos. Any dumpster placed on the property must be in compliance with the current enclosure and sanitary sewer connection requirements of Section 64-4.D.9. of the Zoning Ordinance, and must be illustrated on any revised site plan(s), or placement of a note on the site plan stating that curbside pickup will be utilized, if approved.

It should be noted that recent aerial photos depict a portion of the development on proposed Lot A encroaching on proposed Lot B; if approved, the applicant would be required to eliminate shared access between the lots or submit to the Planning Commission an application for Planned Unit Development approval.

As mentioned, the applicant desires to expand the storage capacity of their current business, citing the ease with which aggregate surfacing would facilitate the storage and display of modular structures, the site's split zoning as a B-3, Community Business District and I-1, Light Industry District, and the fact that aggregate surfacing is allowed by right in an I-1, Light Industry District, as justification for rezoning.

The site is completely surrounded by B-3, Community Business Districts; sales of modular structures are allowed by right in B-3, Community Business Districts. Regarding the applicant's desire to utilize aggregate surfacing by right in an I-1, Light Industry District, the existing development already utilizes aggregate surfacing for display of its modular structures. Upon review, aggregate surfacing is verified by Staff to have been visible in aerial photos since at least 2002. As a result, the existing surfacing may be considered non-conforming and would not, therefore, be required to have asphalt or concrete paving, so long as the purpose of such aggregate surfacing is not varied if this request for rezoning is denied.

Also, in considering previous rezoning approval was granted to facilitate proposed industrial Planned Unit Developments, and the existing development is not industrial in nature, the applicant's request for rezoning to utilize aggregate surfacing by right may be inappropriate, especially when application can be made to the Board of Zoning Adjustment requesting Surface Variance approval.

Nevertheless, of the conditions for rezoning stated in the Zoning Ordinance, it appears that approving this request may be appropriate due to a manifest error in the Ordinance in that the proposed subdivision would result in split-zoning, thus make rezoning necessary. However, given that the existing site zoned I-1, Light Industry District, was never developed and is surrounded by B-3, Community Business Districts, the proposed rezoning may be out of character for the general area; as such, rezoning from I-1, Light Industry District, to B-3, Community Business District, may appear more desirable to eliminate split zoning.

RECOMMENDATION

Subdivision: Based on the preceding, and with a waiver of Sections V.D.1. and V.D.3. of the Subdivision Regulations, this application is recommended for Tentative Approval, subject to the following:

- 1) Placement of a note on the Final Plat stating that further re-subdivision of Lot B will not be allowed until additional public street frontage is provided;
- 2) retention of the 25' minimum building setback line along all frontages;
- 3) retention of the lot sizes in square feet and acres on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;
- 4) placement of a note on the Final Plat stating that lots A and B are limited to one shared curb cut to Government Boulevard, with its size, design and location to be approved by Traffic Engineering and ALDOT, and conform to AASHTO standards;
- 5) compliance with Engineering comments: *(The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer: A) Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B) Add/revise street names to the vicinity map to be legible. C) Show and label all flood zones. D) Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. E) Provide and label the monument set or found at each subdivision corner. F) Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. G) Provide the Surveyor's Certificate and Signature. H) Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. I) Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.*

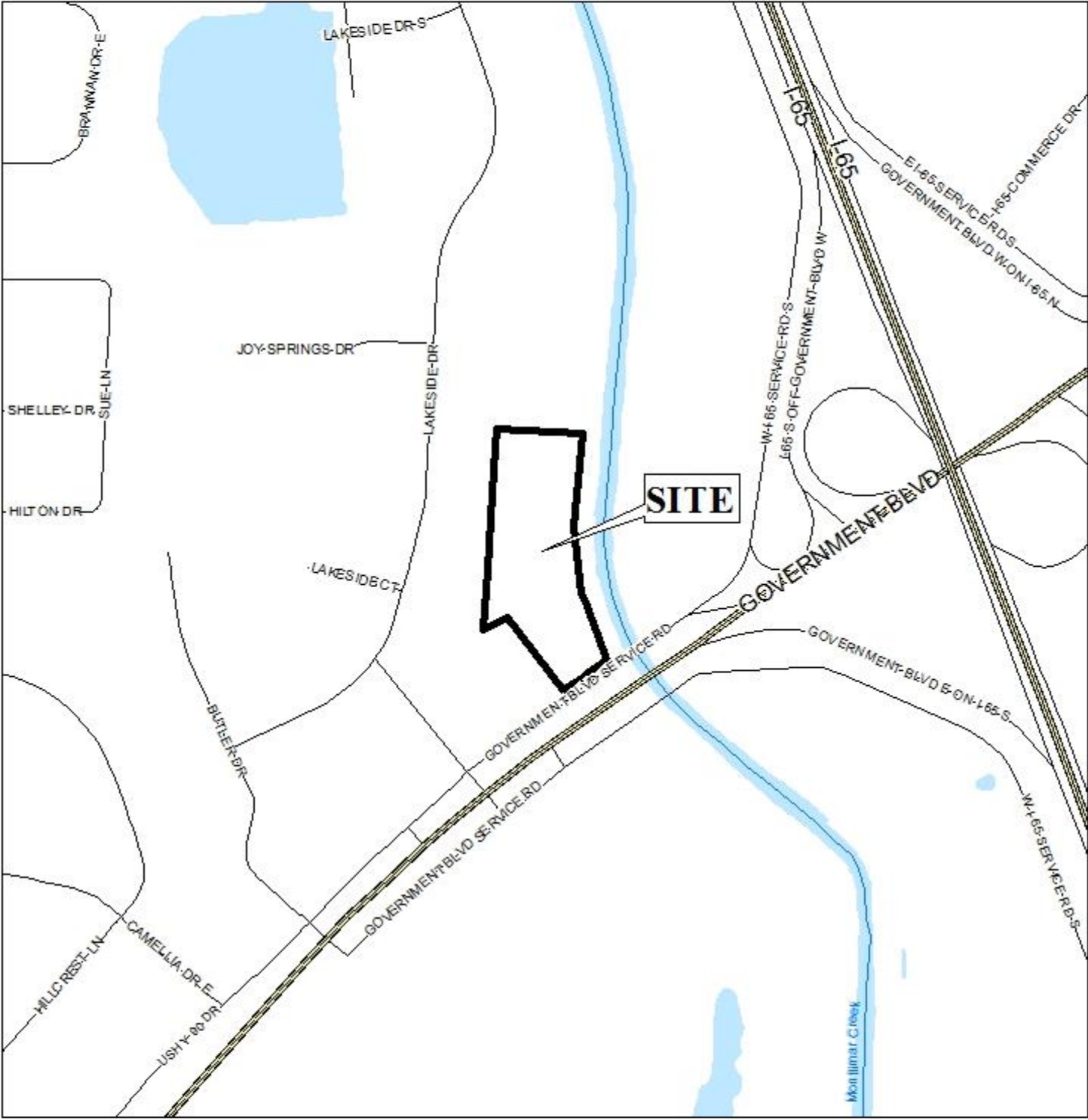
- J) Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. K) Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved. L) Provide a copy of the FINAL PLAT to the Engineering Dept. for review prior to obtaining any signatures. M) Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.);*
- 6) compliance with Traffic Engineering comments: *(Government Boulevard (and this adjacent Service Road) is an ALDOT maintained roadway. Lot is limited to no more than one curb-cut, with size, location and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance. Sidewalk should be included along all street frontages, unless a sidewalk waiver is approved by the Planning Commission.);*
 - 7) compliance with Urban Forestry comments: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).);*
 - 8) compliance with Fire Department comments: *(All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code).);* and
 - 9) compliance with all other municipal codes and ordinances.

Rezoning: Based upon the preceding, Staff recommends Approval for rezoning to B-3, Community Business District, instead of I-1, Light Industry District, subject to the following conditions:

- 1) full compliance with Section 64-4.E.3. of the Zoning Ordinance regarding tree and landscaping requirements;
- 2) Board of Zoning Adjustment Surface Variance approval regarding aggregate surfacing;
- 3) revision of the site plan to illustrate at least one ADA compliant, van accessible handicap parking space;
- 4) revision of the site plan to illustrate sidewalks along all street frontages, or Planning Commission approval of a Sidewalk Waiver;
- 5) revision of the site plan to illustrate a dumpster in compliance with the current enclosure and sanitary sewer connection requirements of Section 64-4.D.9. of the Zoning Ordinance, or placement of a note on the site plan stating that curbside pickup will be utilized;
- 6) revision of the site plan to illustrate that shared access between Lot A and Lot B has been eliminated, or Planning Commission approval of a Planned Unit Development to allow shared access;
- 7) compliance with Engineering comments: *(1) Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article*

- VIII). 2) A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work. 3) Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 4) The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals. 5) The proposed development must comply with all Engineering Department design requirements and Policy Letters.);
- 8) completion of the subdivision process; and
 - 9) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



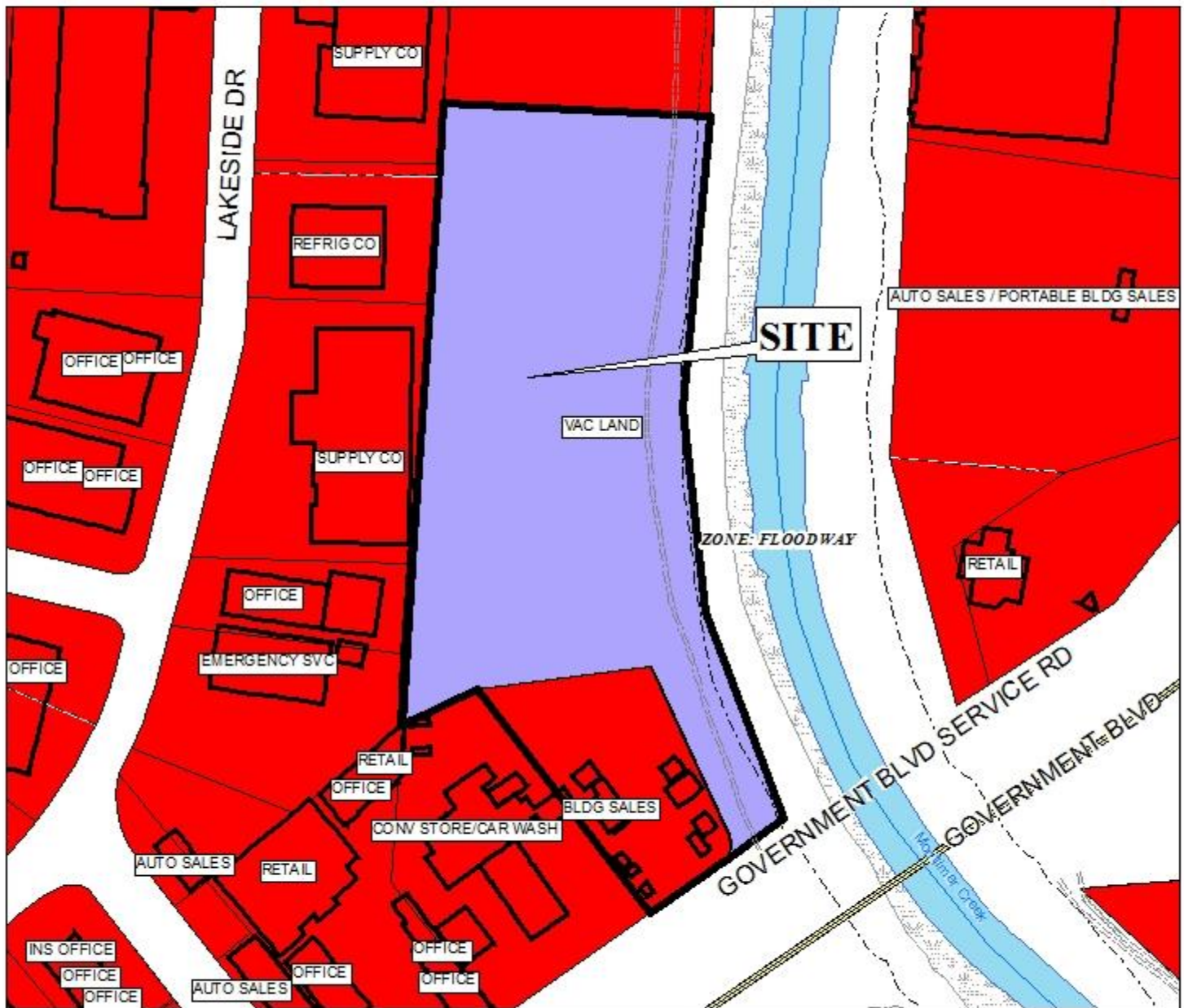
APPLICATION NUMBER 15 DATE December 3, 2015

APPLICANT Regal Investments Subdivision, Addition to

REQUEST Subdivision, Rezoning from I-1 and B-3 to I-1



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

APPLICATION NUMBER 15 DATE December 3, 2015

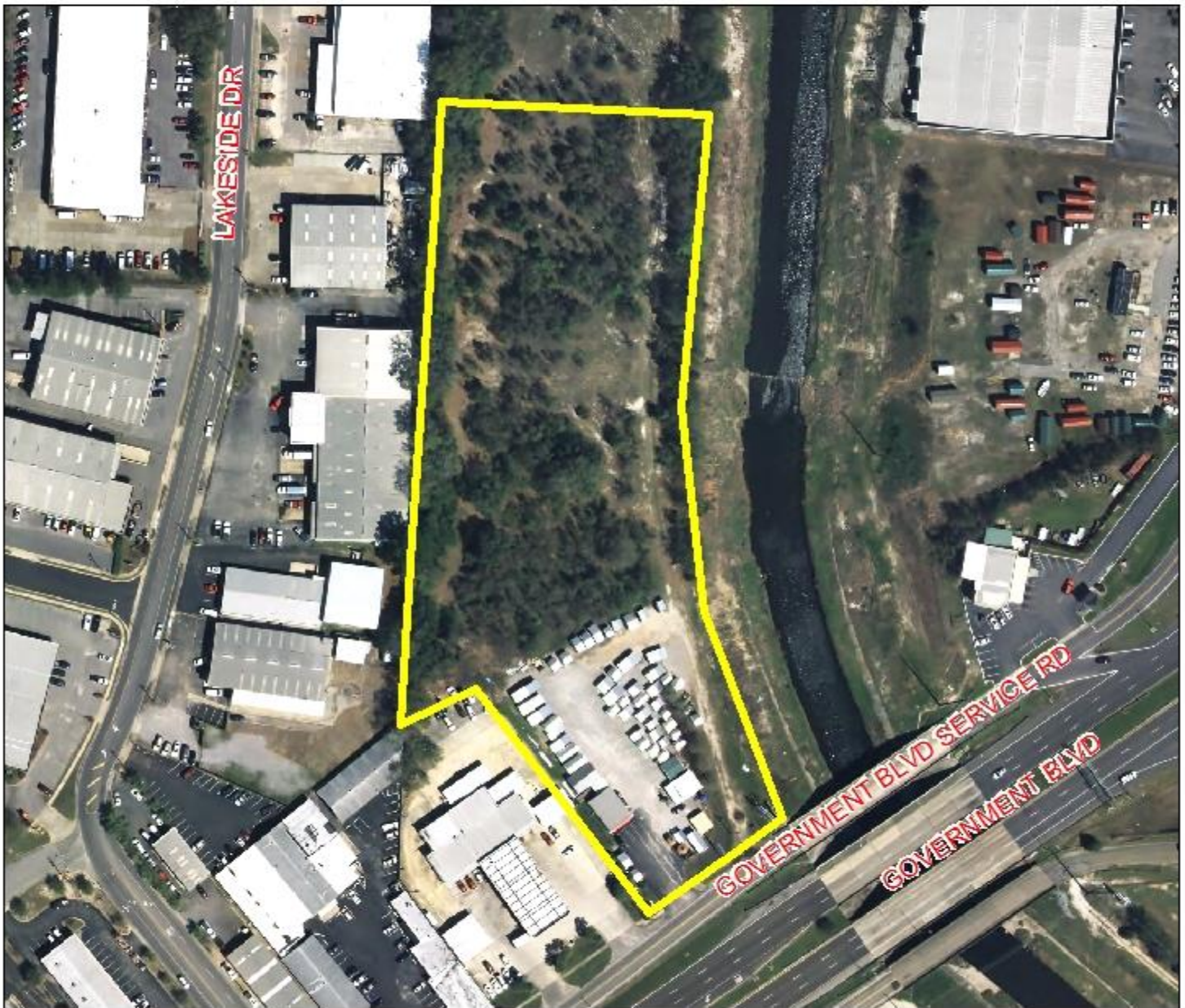
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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

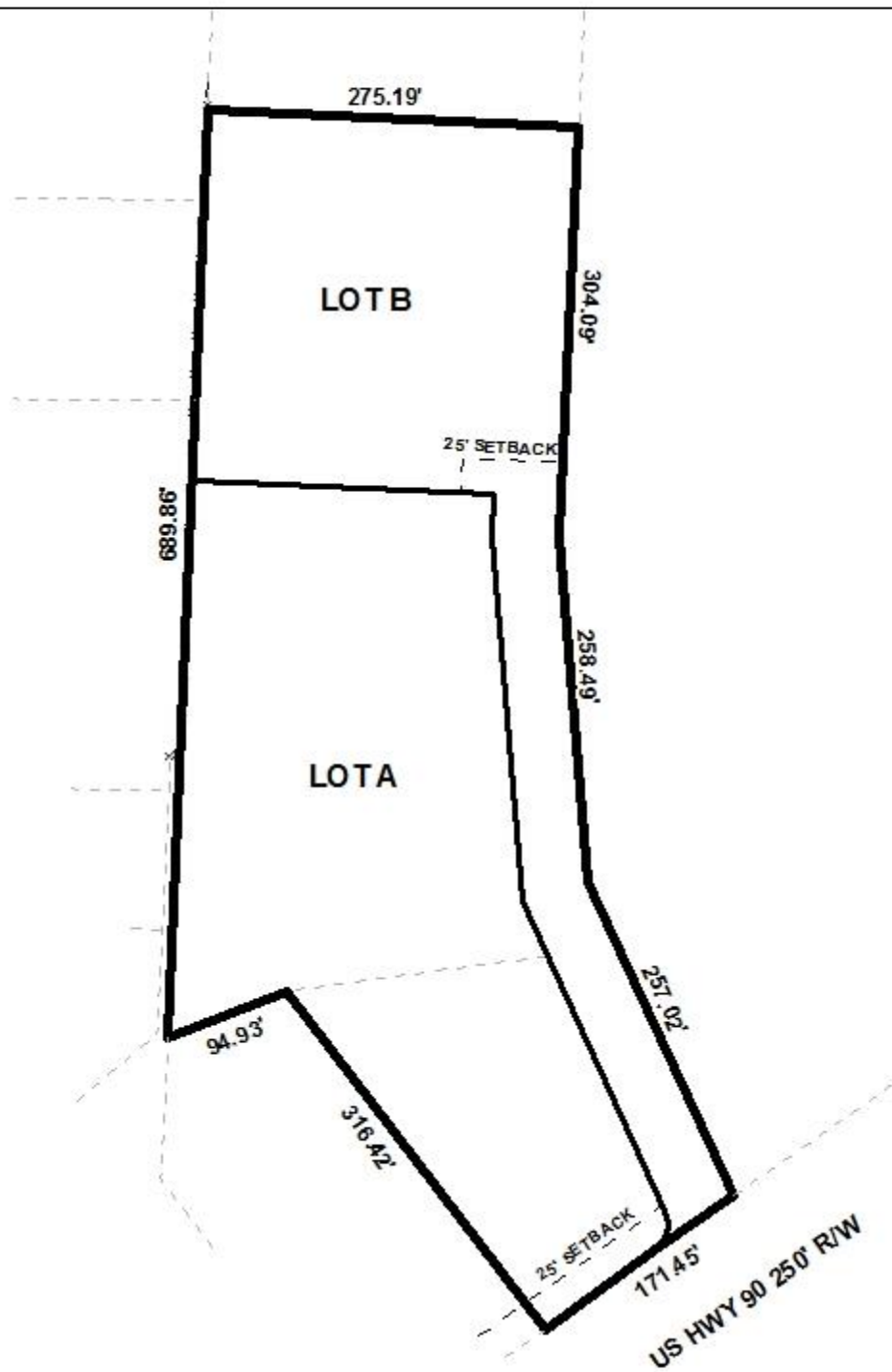
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DETAIL SITE PLAN



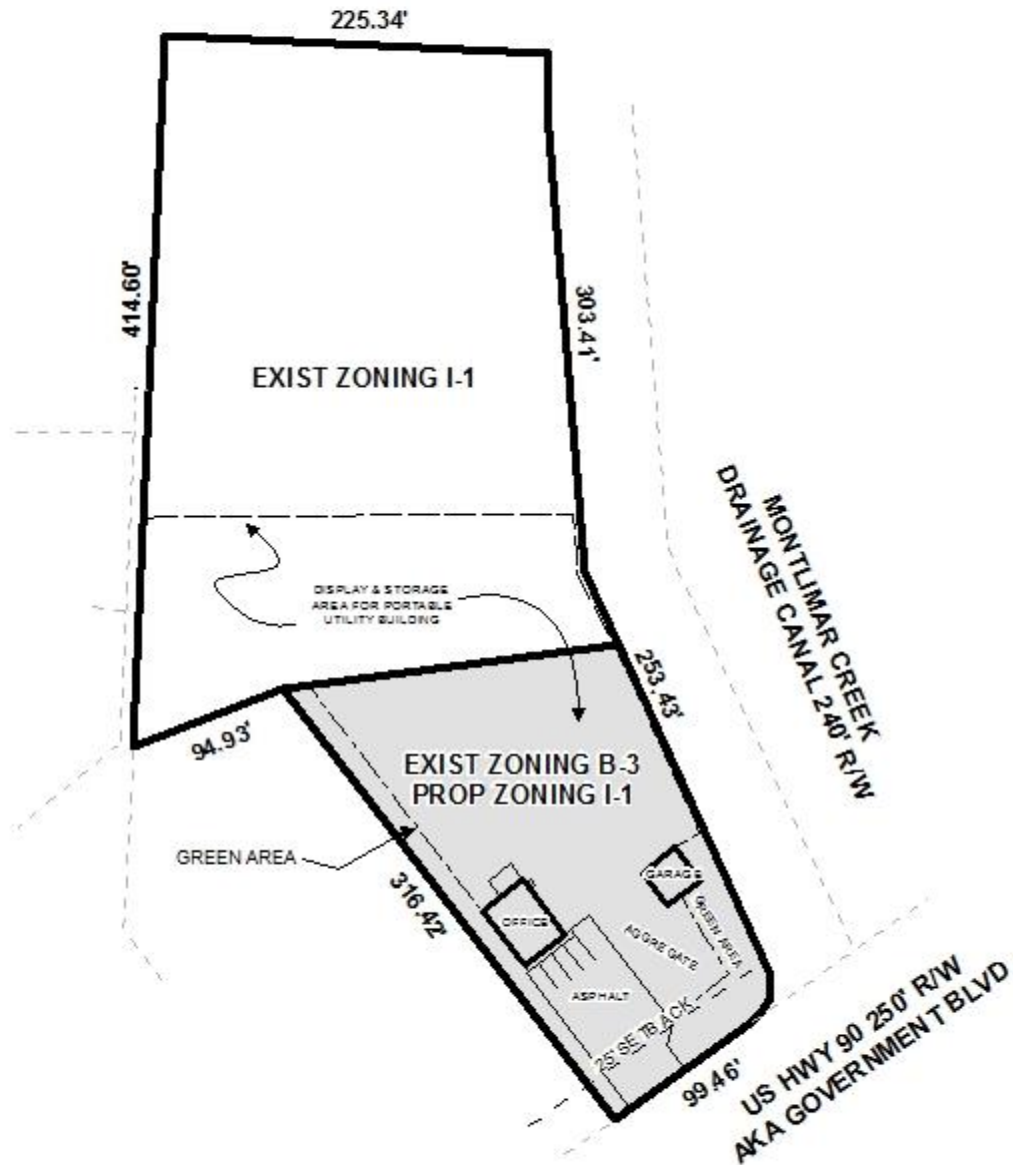
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SITE PLAN



The site plan illustrates the existing zoning, proposed zoning, existing building, and setback.

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